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22850	7590	03/12/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER HUERTA, ALEXANDER Q	
			ART UNIT	PAPER NUMBER
			2427	
			NOTIFICATION DATE	DELIVERY MODE
			03/12/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/568,969	<b>Applicant(s)</b> OHDE ET AL.	
	<b>Examiner</b> Alexander Q. Huerta	<b>Art Unit</b> 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22,24-32 and 34-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22,24-32 and 34-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claims 22, 24-32, 34-41, and 43 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 22-26, 32, 34-36, 43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlack et al. (US Pub. **2002/0129368**), in view of Zimmerman (US Pub. **2002/0140728**), and in further view of Ellis et al. (US Pat. Pub. **2003/0177498**), herein referenced as Schlack, Zimmerman, and Ellis, respectively.

Regarding **claim 22**, Schlack discloses “an information providing apparatus (set-top box 220) for providing added-value information associated with content viewing selection” ([0069], [0127], Fig. 2A). The apparatus comprising:

“a viewing log (viewer profile 293) information acquiring unit configured to acquire a viewing log associated with viewing of content by a user...” ([0135], Fig. 2B, i.e. the VCPS monitors the interactivity of the viewers to generate a viewer profile);

“a content-associated information acquiring unit configured to acquire information associated with each piece of content included in a viewing log” ([0071], [0127], [0160]-[0166], [0168]);

“an added-value information generating unit configured to measure an appearance frequency for each attribute type in content-associated information aggregated for each user to generate added-information associated with content viewing selection on the basis of a predetermined number of attribute values of attribute values ranked high in appearance frequency in each attribute type ([0175], [0176], [0184], [0190], [0191], Fig. 16, 20, 23-24).

Schlack fails to explicitly disclose “a presentation-information transmitting unit configured to transmit a signal to present added-information to a user”.

Zimmerman discloses “a presentation-information transmitting unit configured to transmit a signal to present added-information to a user” ([0012], [0021], [0023], Figs. 1-3). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying added-information to a user as taught by Zimmerman, to improve the profiling system of Schlack for the predictable result of enabling the user to see their viewing preferences profile so that they can determine their favorite genres or programs.

The combination of Schlack and Zimmerman fail to explicitly disclose “a viewing log information acquiring unit ...further configured to acquire at least one operation log of purchase executed by the user as a viewing log.”

Ellis discloses “a viewing log information acquiring unit ...further configured to acquire at least one operation log of purchase executed by the user as a viewing log.” ([0152], Fig. 29, i.e. Ellis teaches the technique of displaying user’s purchase history). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying a purchase history to a user as taught by Ellis, to improve the profiling system of Schlack for the predictable result of enabling the user to see recent purchases and establish a spending limit to prevent over-spending on pay-per-view events.

Regarding **claim 24**, Schlack discloses that “said viewing log information acquiring unit is further configured to acquire, via a communication route ([0128], i.e. user interface 224), viewing log information acquired on a device for receiving or recording/reproducing content by the user, and aggregate acquired viewing log information for each user” ([0135], [0175], [0176], [0184], [0213]);

“said content-associated information acquiring unit is further configured to search a content information database storing attribute information of each piece of content to acquire content-associated information” ([0073], [0135], i.e. the profile engine searches the program database and correlates the program data with recorded events to produce a user profile).

Schlack fails to explicitly disclose that “said presentation-information transmitting unit is further configured to present added-information to the user via said communication route”.

Zimmerman discloses that “said presentation-information transmitting unit is further configured to present added-information to the user via said communication route” ([0012], [0021], [0023], Figs. 1-3, i.e. one of ordinary skill in the art would recognize that the display of the user profile would be transmitted to the user via a television display or the like, which meets the limitation a “communication route”). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying added-information to a user via a communication route as taught by Zimmerman, to improve the profiling system of Schlack for the predictable result of enabling the user to see their viewing preferences profile so that they can determine their favorites genres or programs.

Regarding **claim 25**, Schlack discloses that “said viewing log information acquiring unit is further configured to hold, in a device, viewing log information acquired on said device for receiving or recording/reproducing content by the user” [0131];

“said content-associated information acquiring unit is further configured to acquire content-associated information about each piece of content included in a viewing log via a predetermined communication route” ([0127], [0128], [0160]-[0166], [0168]); and

“said added-information creating unit is further configured to create added-information in said device” ([0175], [0176], [0184], Figs. 17, 20).

Regarding **claim 26**, Schlack fails to explicitly disclose that “said presentation-information transmitting unit is further configured to present, to the user, an added

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information screen that includes a list of attribute values high in appearance frequency in each attribute type".

Zimmerman discloses that "said presentation-information transmitting unit is further configured to present, to the user, an added information screen that includes a list of attribute values high in appearance frequency in each attribute type" ([0012], [0021], [0023], Figs. 1-3). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying added-information to a user as taught by Zimmerman, to improve the profiling system of Schlack for the predictable result of enabling the user to see their viewing preferences profile so that they can determine their favorite genres or programs.

Regarding **claims 32, 34-36**, claims 32, 34-36 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 22, 24-26. Claims 22, 24-26 describe an information providing apparatus for providing added-value information associated with content viewing selection and claims 32, 34-36 describe a method implementing the apparatus. Thus, claims 32, 34-36 are rejected.

Regarding **claim 43**, claim 43 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 22. Claim 22 describes an information providing apparatus for providing added-value information associated with content viewing selection and claim 43 describes a computer implementing the method. Thus, claim 43 is rejected.

**Claims 27, 37** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlack in view of Zimmerman, Ellis, and in further view of Macrae et al. (US Pub. **2005/0015803**), herein referenced as Macrae.

Regarding **claim 27**, Schlack fails to explicitly disclose “an input unit configured to accept an attribute value specification or selecting operation by the user through said added-information screen; and a detail added-value information generating unit configured to search, in response to the specification or selection of an attribute value by the user, for a piece of content associated with the specified or selected attribute value to generate detail added-information on the basis of the obtained piece of content; wherein said presentation-information transmitting unit is configured to present said detail added-information to the user”.

Macrae discloses “an input unit configured to accept an attribute value specification or selecting operation by the user through said added-information screen ([0109], [0110], i.e. user selects “Info” button 830); and a detail added-value information generating unit configured to search, in response to the specification or selection of an attribute value by the user, for a piece of content associated with the specified or selected attribute value to generate detail added-information on the basis of the obtained piece of content ([0109], [0110], [0114], Figs. 8-9, i.e. the user selects the “Info” button and the program guide application searches for additional information to display related to the selected show); wherein said presentation-information transmitting unit is configured to present said detail added-information to the user” ([0114], Fig. 9).



Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying to the user additional information related to a program as taught by Macrae, to improve the profiling system of Schlack for the predictable result of enabling the user to request additional information related to the program so that they may better understand the content of the program to determine if they wish to view it.

Regarding **claim 37**, claim 37 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 27. Claim 27 describes an information providing apparatus for providing added-value information associated with content viewing selection and claim 37 describes a method implementing the apparatus. Thus, claim 37 is rejected.

**Claims 28-31, 38-41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlack in view of Zimmerman, Ellis, Macrae, and in further view of Potrebic et al. (US Pub. **2003/0212708**), herein referenced as Potrebic.

Regarding **claim 28**, Schlack fails to explicitly disclose that “said detail added-information generating unit is configured to search the viewing log information of the user for a piece of content associated with the attribute value and generate detail added-value information configured by a list of pieces of content including the viewing log”.

Potrebic discloses that “said detail added-information generating unit is configured to search the viewing log information of the user for a piece of content associated with the attribute value and generate detail added-value information

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configured by a list of pieces of content including the viewing log" ([0062], [0063], Fig. 7, i.e. the system search the viewers log file to inform remind them that the final episode of series that they have watched will be airing). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of searching the users viewing log to inform them of shows of related to what they watched that might be of interest as taught by Potrebic, to improve the profiling system of Schlack for the predictable result of reminding the user that a show of interest will be broadcast sometime in the future so that they do not miss it.

Regarding **claim 29**, Schlack fails to explicitly disclose that "said detail added-value information generating unit is configured to search schedule information describing future content broadcast or distribution schedule for a piece of content associated with the attribute value and generate detail added-value information configured by a list of pieces of content including a broadcast or distribution schedule time".

Potrebic discloses that "said detail added-value information generating unit is configured to search schedule information describing future content broadcast or distribution schedule for a piece of content associated with the attribute value and generate detail added-value information configured by a list of pieces of content including a broadcast or distribution schedule time" ([0062], [0063], Fig. 7). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of searching schedule information for future content broadcast and generate detailed added-value information as taught by Potrebic, to improve the profiling system of

Schlack for the predictable result of reminding the user that a show of interest will be broadcast sometime in the future so that they do not miss it.

Regarding **claim 30**, Schlack fails to explicitly disclose “a content operation method is presented along with the viewing log on a detail added-value information screen, and said input unit is configured to accept the specification or selecting operation of content by the user on the detail added-value information screen to trigger a corresponding operation”.

Potrebic discloses “a content operation method (“Heads Up!” reminder) is presented along with the viewing log on a detail added-value information screen, and said input unit is configured to accept the specification or selecting operation of content by the user on the detail added-value information screen to trigger a corresponding operation” ([0062], [0063], Fig. 7, i.e. the system accepts the specified program in the viewing log file and sends the user a text message and email to remind them of a future broadcast). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying a content operation method and triggering a corresponding operation as taught by Potrebic, to improve the profiling system of Schlack for the predictable result of reminding the user that a show of interest will be broadcast sometime in the future so that they do not miss it.

Regarding **claim 31**, Schlack fails to explicitly disclose “a content operation method is presented along with the viewing log on a detail added-value information screen, and said input unit is configured to accept the specification or selecting

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operation of content by the user on the detail added-value information screen to trigger a corresponding operation".

Potrebic discloses "a content operation method ("Heads Up!" reminder) is presented along with the viewing log on a detail added-value information screen, and said input unit is configured to accept the specification or selecting operation of content by the user on the detail added-value information screen to trigger a corresponding operation" ([0062], [0063], Fig. 7, i.e. the system accepts the specified program in the viewing log file and sends the user a text message and email to remind them of a future broadcast). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying a content operation method and triggering a corresponding operation as taught by Potrebic, to improve the profiling system of Schlack for the predictable result of reminding the user that a show of interest will be broadcast sometime in the future so that they do not miss it.

Regarding **claim 38-41**, claims 38-41 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 28-31. Claims 28-31 describe an information providing apparatus for providing added-value information associated with content viewing selection and claims 38-41 describe a method implementing the apparatus. Thus, claims 38-41 are rejected.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Q. Huerta whose telephone number is (571) 270-3582. The examiner can normally be reached on M-F(Alternate Fridays Off) 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alexander Q Huerta  
Examiner  
Art Unit 2427

March 3, 2009

/Scott Beliveau/

Supervisory Patent Examiner, Art Unit 2427